

SERVICE DATE - DECEMBER 4, 2000

SURFACE TRANSPORTATION BOARD

DECISION

STB SPECIAL TARIFF AUTHORITY NO. 8

FILING OF PRINTED NONCONTIGUOUS DOMESTIC TRADE TARIFFS BY E-MAIL

Decided: November 28, 2000

By application filed November 13, 2000, Matson Navigation Company, Inc. (Matson), requests special tariff authority to permit it to file printed noncontiguous domestic trade tariffs with the Board by E-mail. Matson states that its E-mail filings will be accomplished through the combined use of Microsoft Word and Adobe Acrobat computer software. Matson will format its E-mail tariffs using Microsoft Word, export the pages being revised to a PDF file using Adobe Acrobat, and send this file to the Board as an E-mail attachment.

Matson states that filing tariffs by E-mail will increase its ability to ensure timely filings by eliminating the vulnerability to courier delays, and will reduce its tariff filing costs by eliminating the expense of transmitting paper documents to the Board's offices. Additionally, Matson states that E-mail filings will provide it with additional flexibility by reducing the lead time required to implement tariff changes.

We have carefully reviewed Matson's request and conclude that the E-mail tariff filing system it proposes should be permitted, provided the Board is compensated for certain additional costs that it will incur.<sup>1</sup> The proposed E-mail filings will not require any modifications in the Board's existing computer equipment, and will continue to meet all substantive statutory and regulatory requirements for filed tariffs; however, the Board will incur certain additional costs, in that we will be required to print two copies of each tariff publication from the E-mail files and provide a receipt for each filing (if the carrier requests a receipt).<sup>2</sup> In order to cover these additional costs, we will assess an additional 25 cents per page filing fee and an additional minimum charge of \$2.00 per filing.<sup>3</sup>

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<sup>1</sup> Matson has sent sample E-mail tariff filings to the Board's Section of Tariffs and the staff has verified that the proposed system works properly.

<sup>2</sup> Carriers that submit printed document tariff filings to the Board are required to submit two copies of each publication, and provide an extra copy of the tariff transmittal and a self-addressed, stamped return envelope if they request a receipt for the filing.

<sup>3</sup> The existing filing fees for printed tariff documents are \$1.00 per page, subject to a minimum charge of \$16.00 per filing, which will produce current E-mail filing fees of \$1.25 per page, subject to a minimum charge of \$18.00 per filing.

Given that we can recover our additional costs through higher filing fees, and that it is operationally feasible for us to accept E-mail tariff filings in the data file formats proposed by Matson, we believe we should allow the carrier to enjoy the benefits of the additional flexibility and reliability, and lower costs, that it says it can achieve through E-mail filings.<sup>4</sup> We will, of course, also consider similar proposals from other carriers and will not limit the data file formats to those proposed by Matson, although any E-mail filings that we authorize must be compatible with the Board's data processing facilities.

**It is ordered:**

Matson's request to depart from the terms of 49 CFR 1312 to permit it to file printed tariffs with the Board by E-mail in the manner described in the request, rather than by the physical delivery of printed documents to the Board, is granted. The additional filing fees described in this decision will apply to all such tariffs, unless and until changed by the Board.

By the Board, Chairman Morgan, Vice Chairman Burkes and Commissioner Clyburn.

Vernon A. Williams  
Secretary

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<sup>4</sup> As Matson's E-mail tariffs will not require a "physical delivery" to the Board, they can be filed at any time, as can the electronic tariff filings previously authorized by the Board (see STB Special Tariff Authority No. 6, served April 29, 1999). But the burden will be on Matson to ensure that a readable E-mail file is received in the Board's offices not later than the filing date.